**209**

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**CRM-M No.255 of 2018**
**Date of Decision: 16.02.2018**

**GURPREET SINGH @ PREET AND ORS.**
**.....Petitioners**

**Vs**

**STATE OF PUNJAB** **.....Respondent**

**CORAM:** ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. S.S. Swaich, Advocate
for the petitioners.

Mr. Sandeep Kumar, D.A.G., Punjab.

****

***RAJ MOHAN SINGH, J.***

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.96 dated 25.08.2017, registered under Sections 307, 436, 427, 148, 149, 188, 120-B IPC, Sections 3, 4 of the Prevention of Damage to Public Property Act, 1984 and Sections 3(i)(ii), 4 of the Explosive Substances Act, 1908 (Sections 188, 120-B IPC, Section 4 of Damage to Public Property Act, 1984 and Sections 3, 4 of the Explosive Substances Act, 1908 added later on) at Police Station Bhikhi, District Mansa.

As per allegations made in the FIR, complainant alleged that he went to his fields for inspection at about 2.00 p.m., and when he was coming back, he stopped outside the

Mohmed Atik
2018.02.17 16:26
I attest to the accuracy and
authenticity of this document
chandigarh

Seva Kendra which was closed at that time. At about 3.30 p.m., seven unidentified young persons came on their motorcycles. They were duly armed with *rod, kirpan*, wooden *dandas* and petrol bottles. They were proceeding towards the Seva Kendra by making exhortation that the Seva Kendra should be burnt. They started breaking the glasses of Seva Kendra with their weapons. When the complainant tried to stop them, they intended to kill him by throwing petrol and lit the fire. The complainant had to withdrew from the place. The miscreants burnt the Seva Kendra by throwing petrol in front of the complainant. The alarm raised by the complainant attracted Sabjinder Singh @ Sabi, Karnail Singh Bhau and other persons sitting in nearby Dharmshala. On seeing them, all the miscreants fled away from the spot on their motorcycles.

Learned counsel for the petitioners submitted that the FIR was registered against the unidentified persons. The petitioners were implicated on the basis of supplementary statement of complainant Gurmeet Singh @ Geeti. Allegations of instigation were made against Major Singh, who has already been granted bail by this Court vide order dated 30.01.2018 passed in ***CRM-M No.1554 of 2018***.

Learned counsel further submitted that the FIR was registered in the wake of conviction of the Head of Dera Sacha

Mohmed Atik
2018.02.17 16:26
I attest to the accuracy and
authenticity of this document
chandigarh

Sauda. When, the miscreants broke the glasses of Seva Kendra, the fire was extinguished immediately by the persons present at the spot. The loss caused to the Seva Kendra was tentatively assessed to Rs.15,000/-. No specific roles have been attributed to the petitioners, except that they acted on the basis of instigation of one Major Singh. Petitioners are in custody for more than five months. Challan has already been presented.

The statement of aforesaid facts could not be disputed by the learned State counsel on instructions from ASI Pardeep Kumar.

Taking into consideration the aforesaid facts and without adverting to the merits of the case at this stage, I deem it appropriate to enlarge the petitioners on regular bail.

In view of above, petition is allowed. Petitioners are ordered to be enlarged on bail. subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 16, 2018 **(RAJ MOHAN SINGH)**
*Atik* **JUDGE**

**Whether speaking/reasoned** **Yes/No**
**Whether reportable** **Yes/No**

Mohmed Atik
2018.02.17 16:26
I attest to the accuracy and
authenticity of this document
chandigarh